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MAILED

Conrad J. Clark  
CLARK & BRODY  
1700 Diagonal Road, Suite 510  
Alexandria VA 22314

FEB 09 2011  
DIRECTOR OFFICE  
TECHNOLOGY CENTER 2400

In re Application of:  
ZWINGENBERGER, A. et. al.  
Application No. 10/576,238  
Filed: May 05, 2006  
Docket No. 70566-0221US  
Title: SYSTEM FOR MANAGEMENT OF  
PROCESSED INSTRUMENTS

DECISION ON PETITION TO  
WITHDRAW HOLDING OF  
ABANDONMENT UNDER 37  
C.F.R. § 1.181

This is a decision on petition filed February 04, 2011 under 37 CFR § 1.181 to invoke Supervisory Authority of the Commissioner to seeks relief from Examiner's action in relation to Notice of Abandonment mailed January 20, 2011, namely, requesting the withdrawal of the notice of abandonment.

This petition is **GRANTED**.

**REGULATION AND PROCEDURES**

**MPEP § 711.03(b) Holding Based on Failure To Reply Within Period**

When an amendment reaches the U.S. Patent and Trademark Office after the expiration of the period for reply and there is no dispute as to the dates involved, no question of reconsideration of a holding of abandonment can be presented. However, the examiner and the applicant may disagree as to the date on which the period for reply commenced to run or ends. In this situation, as in the situation involving sufficiency of reply, the applicant may take issue with the examiner and point out to him or her that his or her holding was erroneous.

**§ 1.136 Extensions of time.**

(a) (1) If an applicant is required to reply within a nonstatutory or shortened statutory time period, applicant may extend the time period for reply up to the earlier of the expiration of any maximum period set by statute or **five months** after the time period set for reply, if a petition for an extension of time and the fee set in § 1.17(a) are filed..

## DECISION

Upon careful review of the file prosecution history, the above mentioned abandonment is deemed premature and hereby withdrawn.

For the reason(s) above-mentioned this petition is hereby **granted**.

Notice of Abandonment mailed January 25, 2010 is hereby **withdrawn**.

Application will be forwarded to respective Technical Support Staff for withdrawal of Notice of Abandonment mailed January 25, 2010. Application has been forwarded to examiner for proper treatment of Applicant's response mailed January 18, 2011 and issuance of corresponding office action in due course.

Any inquiry regarding this decision should be directed the undersigned whose telephone number is (571) 272-3902. If attempts to reach the undersigned by telephone are unsuccessful, Kim Huynh, Quality Assurance Specialist, can be reached at (571) 272-4147.

/Beatriz Prieto/

Beatriz Prieto, Quality Assurance Specialist  
Technology Center 2400,  
**Network, Multiplexing, Cable and Security**